

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

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FLORENCE, SC

2006 NOV -2 P 4:21

Danny LaCasse,)	
)	
Petitioner,)	
)	
vs.)	Civil Action No.:4:06-1601-TLW-TER
)	
County of Horry,)	
State of South Carolina)	
)	
Respondents.)	
)	

ORDER

The petitioner, Danny LaCasse, proceeding *pro se*, is a pretrial detainee at the J. Reuben Long Detention Center, and he filed the instant action *in forma pauperis* under 28 U.S.C. § 1915, on May 25, 2006. The Court granted petitioners Motion for Leave to Proceed *in forma pauperis* on June 23, 2006. (Doc. #6). The relief requested by Petitioner is that “a writ of certiorari be served on Horry County for violating [his] constitutional rights.” (Doc. #1).

This matter now comes before this Court for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Thomas E. Rogers, III, to whom this case had previously been assigned. (Doc. #7). In the Report, Magistrate Judge Rogers recommends that Danny LaCasse’s petition be “dismissed without prejudice and without requiring the respondents to file an answer.” (Doc. #7). Petitioner, Danny LaCasse, has filed objections to the Report.

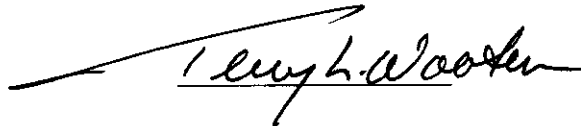
In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections...The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The

Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F. Supp. 137, 138 (D.S.C. 1992) (citations omitted). In light of this standard, the Court has reviewed the Report. After careful review of the Report and objections thereto, the Court accepts the Report. (Doc. #7). Therefore, for the reasons articulated by the Magistrate Judge, it is **ORDERED** that petitioner, Danny LaCasse's petition for Writ of Habeas Corpus is **DENIED**. (Doc. #1).

IT IS SO ORDERED.



Terry L. Wooten
United States District Judge



October 2 2006
Florence, South Carolina